MR.GREGORY 1. JONES SR Document 9 Filed 02/01/2008 Page 1 of 4 P. O. Box 7500 A 3 124

CRESCENT CITY CA 95531 CDC NUMBER D-43274 IN PROPRIA PERSONA

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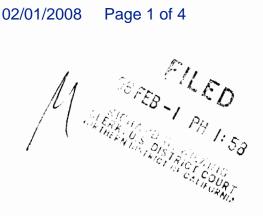
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IN THE UNITED STATE DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISON

MR GREGORY PAUL JONES SR Plaintiff Case NO. CO7-4021 SI(pr)
MOTION FOR RECONSIDERATION

VS

RUBERT A. HOREL; et al., defendants

In its order of January 16, 2008. The Court ruled ADJudged that plaintiff's claims against ROBERT A. HOREL, warden at Pelican BAY State Prison (PBSP) were due to be dismissed on the grounds of failure to State a Claim upon which relief may be granted, and failure to State calim for due process.

1. The expungement of all charges on plaintiff from June 20, 2006, to present date due to retaliation, which gives plaintiff grounds for relief.

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1/2. Plaintiff life was placed in "danger" by placing him annong violent non-programing prisoner's.

3. The plaintiff concede that on essential element in any system of minimum procedural Safeguards is providing the accused inmate with specific notice of the charges against him. Adequate notice has been held by our circuit to be an indispensible ingredient 8 of minimum due process in the prison context (Allen V. Nelson, supra) and it has been unanimously viewed as a necessary safeguard in prison disciplinary proceedings (see e.c. McDonnell v. WOLFF, supra, 483 F. 2d at 1062-1063: united states ex rel, Miller v. Twomey, 13 479 F. 2d at 716,718: Corrections at 51.). 11 A. It was therefore error for the court to dismiss 15 ROBERT A. HOREL, et al. Pelican Bay State Prison LPBSP) on 16 Lhese grounds, plaintiffs claims against ROBERT A. HOREL, should be "REINSTATED". Dated: JANUARY 27. 2008 11/et nagon form of

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PROOF OF SERVICE BY MAIL

(C.C.P. Section 101(a) # 2015.5, 28 U.S.C. 1746)

I, MR GREGOR, P. JONES SR, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.
My Address is: P.O. Box 7500, Crescent City, CA 95531.
On the 27 day of JANUARY, in the year of 2008, I served the following documents: (set forth the exact title of documents served)
1 ONE ORIGNAL AND I ONE COPT OF MOTION FOR
RECONSIDERATION.
on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:
OFFICE OF THE CLERK, U.S.
DISTRICT COURT, NORTHERN
DISTRICT OF CALIFORNIA,
450 GOLDEN GATE AVENUE,
SAN FRANCISCO, CA 94102
I declare under penalty of perjury that the foregoing is true and correct.
Dated this 27 day of <u>JANUARY</u> , 2008.
Signed: MC Jay Jay Jay (Declarant Signature)
Rev. 12/06

CRESCENT CITY, CA 955: PRISON SR D-43274

PELICAN BAY STATE PRISON 5905 Lake Earl Dr Creecent City CA 95532









JORTHERN DISTRICT OF CALIFORNIA 450 GOLDEN GATE AVENUE SAN FRANCISCO, CA 94102 CLERK 11.5. DISTRICT COURT

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